

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAURA LAWRENCE, individually and
on behalf of herself and all others similarly
situated,

Plaintiff,

-vs-

Case No. 3:10-CV-000596

BUVECK CONSULTANTS, LLC,

Defendant.

RULE 26(f) JOINT PRETRIAL REPORT

Plaintiff Laura Lawrence, individually and on behalf of all others similarly situated, by her attorneys, Hawks Quindel, S.C., and Defendant Buveck Consultants, LLC, by its attorneys, Godfrey & Kahn, S.C., pursuant to Rule 26(f), Federal Rules of Civil Procedure, submit the parties' Rule 26(f) Joint Pretrial Report.

1. Counsel for the parties held a telephone conference on December 8, 2010, and discussed those matters set forth in Rule 26, Federal Rules of Civil Procedure. All parties have had the opportunity to review and consent to the filing of the present Rule 26(f) Joint Pretrial Report.

2. Nature of the Case. Individual and Representative Plaintiff, Laura Lawrence has brought a collective and class action under the federal Fair Labor Standards Act ("FLSA") and Wisconsin wage and hour law on behalf of herself and

other similarly situated individuals in order to recover unpaid overtime pay. Defendant denies liability.

3. Issues of Jurisdiction or Venue. The parties agree that this case properly is venued in the Western District of Wisconsin.

4. Related Cases. The parties are unaware of any related cases.

5. Material Factual and Legal Issues to be Resolved at Trial. The parties agree that the following issues exist: (1) whether liability exists under the FLSA and Wisconsin wage laws; (2) the extent of Plaintiff's and opt-in Plaintiffs' damages, if any; (3) whether Defendant willfully failed to pay Plaintiff's and opt-in Plaintiffs' wages and overtime wages; and (4) whether the present class meets the requirements to proceed as a collective and / or class action lawsuit.

6. Simplification of Issues. The parties will work cooperatively to simplify the issues where appropriate.

7. Admissions and/or Stipulations. The parties will work cooperatively to make those appropriate stipulations regarding authenticity of documents in order to avoid unnecessary proof.

8. Advance Rulings from the Court. The parties will attempt to bring to the Court's attention at the earliest possible time any issues relating to admissibility of evidence on which an advance ruling would be helpful.

9. Limitation of Testimony Under Rule 702. The parties, at this time, are not aware of the need to limit the use of testimony under Rule 702, Federal Rules of Evidence.

10. Additional Parties. The Plaintiff will continue to file the consent forms of additional party plaintiffs as she becomes aware of these individuals and anticipates sending notice of this lawsuit to all other similarly situated individuals if the proposed classes are certified. The Defendant anticipates opposing attempts to add plaintiffs to this lawsuit through the collective or class action procedures.

11. Amendment of Pleadings. The parties do not anticipate amending the pleadings at this time.

12. Motions Pending or Contemplated. Plaintiff plans to move for conditional certification and class certification. Defendant plans to oppose certification of this lawsuit as a collective or class action. Both parties likely will file a motion for summary judgment.

13. Length of Trial. As the lawsuit is presently postured, the parties believe that this case can be tried in less than two weeks. Depending on whether additional plaintiffs are added through the collective or class action procedures, additional trial days might be necessary.

14. Settlement Discussions. The parties intend to discuss settlement at an appropriate time.

15. Initial Disclosures. The parties agree to make required Rule 26(a)(1) pretrial disclosures on or before January 12, 2011. Counsel for the parties will supplement their initial disclosures pursuant to Rule 26(e) Federal Rules of Civil Procedure.

16. Trial and Final Pretrial Dates. The parties believe that this matter will be ready for trial on or after July 9, 2012. The parties request that the final pretrial conference be scheduled two weeks prior to trial.

17. Witnesses and Exhibits. The parties agree that disclosure of all witnesses and exhibits for trial shall be completed in accordance with the Federal Rules of Civil Procedure or the deadline set by the Court pursuant to its preliminary pretrial order.

18. Expert Witnesses. The Court should establish deadlines for the disclosure of expert witnesses.

19. Dispositive Motions. The parties agree that all dispositive motions shall be filed no later than 4.5 months before trial.

20. Discovery Cut-Off. The parties agree that discovery will end one month before trial.

21. Electronic Service. The parties confirm that documents filed through the Court's ECF system are served by ECF notification. The parties also consent that service by electronic means shall be allowed as set forth in Fed. R. Civ. P. 5(b)(2)(E) and that such service shall be complete upon transmission, provided that the sender does not receive any indication that such electronic transmission was unsuccessful.

Dated this 8th day of December 2010.

HAWKS QUINDEL, S.C.

Attorneys for Plaintiff and opt-in Plaintiffs

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Dated this 8th day of December 2010.

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